

# MINUTES

## Planning & Zoning Commission

### CITY OF COLLEGE STATION, TEXAS

February 2, 1995

7:00 P.M.

**COMMISSIONERS PRESENT:** Commissioners Smith, Lane, Gribou, Garner, and Lightfoot.

**COMMISSIONERS ABSENT:** Chairman Hawthorne and Commissioner Hall.

**STAFF PRESENT:** Senior Planner Kuenzel, Planning Technician Thomas, Transportation Planner Hard, Project Engineer McCully and Development Coordinator Volk. (Council Liaison Hickson was in the audience.)

**AGENDA ITEM NO. 1:** The Consent Agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from the Consent Agenda by any citizen, City staff member, or Commissioner by making such a request prior to a motion and vote on the Consent Agenda.

(1.1) Approval of minutes from the meeting of January 19, 1995.

(1.2) Consideration of a final replat for the Southwood Valley Section 24A Subdivision. (94-245)

Commissioner Gribou moved to approve items 1.1 and 1.2 on the consent agenda with staff recommendations. Commissioner Smith seconded the motion which passed unopposed (5 - 0).

**AGENDA ITEM NO. 2:** Public hearing to consider a rezoning request of lot 3 of the Henton Subdivision, approximately 3.51 acres located along the north side of Lincoln Avenue at the Munson Avenue intersection from R-1A Single Family Residential and R-4 Low Density Apartments to R-1A Single Family Residential. Request includes the removal of the previously required brick wall between the two zoning districts. (95-100)

Senior Planner Kuenzel presented the staff report and recommended approval of the proposed rezoning request. The subject property includes 3.5 acres located on the north side of Lincoln Avenue across from Munson Avenue. The request will consolidate an existing R-1A tract on the Lincoln frontage with a 1.8 acre R-4 zoned tract for a total of 3.5 acres of R-1A property. The proposed use of a small single family subdivision will not be in conflict with existing or planned uses in the area. In addition, the consolidation of property will make it easier for the site to meet ordinance requirements relating to access and lot size. At the time that the R-4 zoning was approved in 1986, the Council saw a need for separating and buffering the R-4 from the R-1A. As a condition of that zoning, a wall must be placed between the R-4 tract and the R-1A tract.

Senior Planner Kuenzel stated that this condition was required in an effort to mitigate through traffic between Lincoln and University Drive and to buffer the R-1A from more intense uses to the north. This request is also to remove the wall requirement to allow better consolidation of the two R-1A parcels and to allow future access from Lincoln to the commercial properties to the north. The Council has the discretion to either remove the wall requirement completely or to relocate it between the requested R-1A and the existing A-P located to the north. The owner has been working with staff to consolidate access points to one drive off of Lincoln with access to individual lots to be internal. Senior Planner Kuenzel explained that there is an older, well established neighborhood to the south of the site. The request will protect existing uses by adding more single family zoning to the area. There is no existing R-1A available for development in this area of the City. The R-1A zoning is slightly less restrictive than R-1 and could therefore supply housing that is not as expansive as the single family that are currently being developed City-wide. Ten surrounding property owners were notified of the rezoning request with four inquiries including two property owners in opposition to the removal of the proposed brick wall. Staff Planner Kuenzel informed the Commission that the Cedar Creek Condominiums is now owned by the federal government and they are proposing a low to moderate housing development. There has been discussion recently pertaining to limited vehicular and unlimited pedestrian access from the Cedar Creek site to Lincoln Avenue. There are several children and students who walk across the subject property to get to Lincoln to go to school or to the bus stop.

Acting Chairman Lane opened the public hearing.

Representative of the applicant Earl Havel with Garrett Engineering approached the Commission and stated that it is not the developer's intention to try and link the commercial development to the north with the proposed single family development. The commercial development could access University Drive instead of Lincoln Avenue. He stated that their main goal is to rezone the subject property so that a single family development can be built on the entire tract. Fire and police access to the commercial tract from the proposed development has been discussed; however, this access would be limited by a locked gate and key that would only be provided to those departments in case of emergencies. Mr. Havel stated that the developer has no intention of linking the Cedar Creek development to the proposed single family project to provide them access to Lincoln Avenue.

Oran W. Nicks of 901 Munson informed the Commission that his neighbor, Stephen Miller, is out of town but has written a letter to the Commission outlining his opposition to the proposed rezoning request. Mr. Nicks explained that the neighborhood and the City worked together to plan this area in 1985. At that time the larger picture was studied including traffic patterns, existing residential development, etc. Since that time, there has not been any changes in the area that would constitute the removal of the required brick wall. There is adequate access in the area with the extension of Lincoln Avenue and the planned extension of Ashburn from Lincoln Avenue to University Drive. Mr. Nicks stated that the brick wall is a logical buffer in combination with the step down zoning approach in the area developed in 1985. In order to keep in with the same logic used in 1985, the brick wall should be relocated instead of completely removed from the site. Mr. Nicks proposed to relocate the brick wall between the proposed R-1A and A-P zonings and the existing Cedar Creek development and the proposed R-1A zoning. The discussion about emergency access through the single family development to the commercial development does not make sense and there is no guarantee that only emergency vehicles will have the key to the gate.

Ann Hazen of 1205A Munson informed the Commission that she has lived at this address for twenty-two years. During that time, the traffic along Munson has become more and more congested. Anything that would allow more traffic on Munson would be detrimental to the neighborhood as a whole. Ms. Hazen stated that the original plan developed in 1985 should be followed.

Martha Cannon informed the Commission that she lives across the street from Mr. Miller and next to Mr. Nicks. She stated that traffic congestion in the area is her main concern.

Representative of the Scarmardo property to the north, Dan Dupier approached the Commission and stated that he supports the rezoning request along with the removal of the masonry wall. Since 1985, Lincoln Avenue has been extended to provide a buffer between the commercial zoning and the existing residential neighborhood. Mr. Dupier explained that in developing the C-B property with frontage along University Drive, the lots may be too deep for many commercial developments. If only the C-B zoned property is developed as commercial, it may be beneficial for the owner to develop the existing A-P tract as single family. At that time, access to Lincoln Drive would be necessary. Mr. Dupier suggested that instead of the wall being constructed at this time, that a condition be placed on the A-P property to the north. If the A-P property is developed as commercial, then a brick wall is required between the A-P and R-1A; however, if the A-P is developed as single family, a brick wall is required between the A-P and commercial development. This would allow both developers some flexibility for the development of the A-P zoned tract.

John Richards of 1210 Munson informed the Commission that he is opposed to the proposed access from Lincoln to the commercial tract on University Drive. He stated that the developer of the commercial tract has no obligation to build the wall. The people living in the existing residential neighborhood should be protected.

Acting Chairman Lane closed the public hearing.

Commissioner Gribou moved to recommend approval of the rezoning request with the condition that the buffer wall be relocated between the existing A-P and proposed R-1A tracts and between the existing Cedar Creek R-4 property and the proposed R-1A tracts. Commissioner Lightfoot seconded the motion.

Commissioner Gribou explained that his intent is to place the wall between residential and intense uses such as commercial and multi-family. If additional residential uses are desired on the A-P tract, then the wall can be relocated so that it is placed between the single family and commercial developments. However, through traffic should not be allowed from Lincoln Avenue to the intense commercial and multi-family uses.

Commissioner Lightfoot expressed concern about the fire and police department's need to access the commercial and multi-family developments from Lincoln Avenue from a safety standpoint.

Senior Planner Kuenzel informed the Commission that she would discuss the access issues with those departments prior to the City Council meeting to see if additional access is needed for emergency vehicles.

Commissioner Gribou stated that since the commercial property is undeveloped, fire lanes could be placed throughout the site for emergency vehicles instead of providing additional access to Lincoln Avenue. He stated that if at all possible, true access should be avoided through the proposed single family development.

Commissioner Lane stated that he disagrees with the requirement of the brick wall primarily due to the fact that current ordinances require screening between single family and commercial uses at the expense of the commercial development. Instead of requiring the home builder to pay for the additional screening, the City would benefit more if those funds were put into the development instead of a requirement that the commercial developer is required to meet.

Commissioner Gribou stated that the City cannot tie the construction of the wall to the adjacent property. The Commission has the discretion to require it with the rezoning of the subject property. He stated that he wanted to ensure the protection of the existing single family homeowners in the neighborhood.

The original motion to recommend approval of the rezoning with the relocation of the masonry wall passed (4 - 1); Acting Chairman Lane voted in opposition to the motion.

**AGENDA ITEM NO. 3:**      Public hearing to consider a rezoning request of block 14A of Southwood Valley Section 19 located on the southeast corner of the F.M. 2818 and Southwood intersection from C-1 General Commercial to R-4 Low Density Apartments. (95-101)

Senior Planner Kuenzel presented the staff report and recommended approval of the proposed rezoning request. The subject property includes 1.64 acres bound on four sides by the rights-of-way of Summit, Hilltop, Southwood, and the access road for F.M. 2818. The request will change the zoning from C-1 General Commercial to R-4 Apartment Buildings/Low Density. The Land Use Plan reflects this site as retail commercial, however, R-4 would not be in conflict with the surrounding land uses which include public uses to the east and west and multi-family uses to the south and north. In addition, under the current zoning and lot configuration, the site would only lend itself well to development of a strip shopping center which is discouraged by Development Policies. Seven surrounding property owners were notified with no response.

Acting Chairman Lane opened the public hearing.

Representative of the applicant, Earl Havel of Garrett Engineering approached the Commission and stated that the subject property will be divided into four equal buildable lots for one fourplex on each lot. He offered to answer any questions pertaining to the proposed development.

Acting Chairman Lane closed the public hearing.